W.P. no. 359(ss)05:

Hon'ble M.M. Ghildiyal, J.

Heard Sri Abdul Wahid, learned counsel for the petitioner and learned Standing Counsel for the State.

By means of this writ petition, the petitioner has prayed to issue a writ in the nature of certiorari quashing of the order dated 28.08.2004 passed by Superintending Engineer, Ramganga, Bandh Mandal, Kalagarh. Submission of the petitioner is that he was appointed as Store Keeper with Irrigation Department, Remganga Project, Kalagrah sometimes in 1967 and on account of his family problems he resigned from his services on 24.02.1971. According to the petitioner he moved an application on 25.03.1971 for withdrawal of his resignation. The resignation of the petitioner was not accepted and, as such, he should be deemed to be in service even after 32 years. The petitioner has filed a writ petition no. 236(SB)2003 before this Court and the writ petition was disposed of on 02.04.2003 directing the respondents to decide the representation of the petitioner. In pursuance of the order passed by this Court, the Superintending Engineer has decided the representation of the petitioner by which he has rejected the claim of the petitioner vide its order dated 28.08.2004 which is order impugned in the present writ petition.

The Superintending Engineer, while rejecting the representation of the petitioner has mentioned that the petitioner was appointed in Ranganga Project and the project has already been abolished long back. Even the papers/ documents of the project have been weeded out and there are no such documents available on record regarding the petitioner's services in the project. Further, even according to the representation moved by the petitioner, the petitioner had resigned from his services on account of his family problems and obviously on these ground, the representation of the petitioner has been rejected by the respondents.

I find no infirmity in the order passed by the respondents. The writ petition is dismissed accordingly.

(M.M. Ghildiyal, J.)

06.04.2005:

NCM: